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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,387

09/13/2006

Terry Journeaux

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5544

22852

7590

02/04/2009

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EXAMINER

KOEHLER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

02/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,387	<b>Applicant(s)</b> JOURNEAUX ET AL.	
	<b>Examiner</b> Christopher M. Koehler	<b>Art Unit</b> 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 46-90 is/are pending in the application.
- 4a) Of the above claim(s) 60-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-59 and 88-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/30/06, 2/15/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 46-59 and 88-90 in the reply filed on 12/3/2008 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 46, 47 and 49-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Boye et al. (US Patent No. 3,638,892).

**Claim 46:**

Boye teaches a method of installing electrical cabling (figure 9a) comprising securing an electrical cable clip (figure 4) to a structure (figure 6) using a fixing element (18) that passes through the clip and into the structure, subsequently inserting at least one electrical cable (figure 9a) into a cable receiving channel in the clip and securing the at least one electrical cable in the channel (figure 9a).

**Claim 47:**

Boye teaches that the step of securing the at least one electrical cable in the cable receiving channel comprising operating an integral closure (figure 8) to close an opening through which the at least one electrical cable is inserted into the channel (figure 9a).

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Claims 49-54:

Boye teaches that the fixing member is a nail (18) fired into the structure by a nail gun (17) further comprising locating and supporting the clip on a nozzle of the nail gun during the step of firing the nail into the structure (figure 6) when the nail gun is in an upright normal use position (figure 6); the nail gun comprising an adapter body (16) fitted on its nozzle for orienting the clip to a desired orientation on the adapter body.

Claims 55 and 56:

Boye teaches that the cable clip has a projection (10, 10') provided with an aperture for the fixing element (figure 4) and that the fixing element passes through a bottom region of the cable receiving channel (figure 9a).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boye.

Claim 57:

Boye teaches the invention cited with the exception of fire resistant electrical cable. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used fire resistant cable because applicant has not disclosed that such a cable provides and advantage, is used for a particular purpose, or solves a stated problem with respect to the cable clipping method.

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One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the cable taught by Boye or the claimed cable because either cable is secured by the clip equally well. Therefore, it would have been an obvious matter of design choice to modify Boye to obtain the invention specified in claim 57.

6. Claims 48, 58, 59 and 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boye et al. in view of Plamper (US Patent No. 5,113,717).

Claim 48:

Boye teaches the structure above but does not teach that the closure member is secured in a position closing the opening by operation of a snap-fit locking mechanism.

Plamper teaches the method of installing electric cabling comprising securing an electrical cable clip (figure 8) to a structure (20'', figure 22) using a fixing element (96) that passes into the structure (figure 22), subsequently inserting at least one electrical cable (16) into a cable receiving channel (70, 71) in the clip and securing the at least one electrical cable in the channel (figure 6), wherein the closure member (86) is secured in a position closing the opening by operation of a snap-fit locking mechanism (86, 88, 89, 90, 92, 93).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the snap-fit locking mechanism of Plamper to the clip of Boye since the snap-fit mechanism does not require any tools or the bending of members of the clip therefore capable of providing a more secure and repeatable locking mechanism.

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Claims 58 and 59:

Boye teaches the method above but does not explicitly teach two side by side cables mounted in the clip or mounting a run of clips. Plamper teaches securing two cables side by side in a run of cable clips. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teaching of Plamper to the method of Boye in order to more efficiently mount multiple wires with the same amount of clips and to evenly support those wires using a run of cable clips.

Claims 88-90:

Claims 88-90 are merely combinations of the previously rejected claims described above in claims 46-59.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571)272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. K./  
Examiner, Art Unit 3726

/DAVID P. BRYANT/  
Supervisory Patent Examiner, Art Unit 3726